

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMPSON HOMES, INC.,	§	
	§	No. 589, 2009
Defendant/Third-Party	§	
Plaintiff Below,	§	Court Below—Superior Court
Appellant,	§	of the State of Delaware in and
	§	for New Castle County
v.	§	
	§	
TONY DEMEO MASONRY,	§	
	§	
Third-Party Defendant Below,	§	C.A. No. 06C-10-075
Appellee.	§	

Submitted: October 15, 2009

Decided: October 20, 2009

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 20<sup>th</sup> day of October 2009, upon consideration of the appellant’s notice and supplemental notice of appeal from an interlocutory order, it appears to the Court that:

(1) The appellant, Thompson Homes, Inc. (“Thompson”), was sued in the Superior Court for breach of a residential construction contract. Thompson, as a third party plaintiff, brought an action against several of the subcontractors associated with the construction, including Tony DeMeo Masonry (“DeMeo Masonry”). By order dated September 16, 2009, the

Superior Court denied Thompson's motion to disqualify Rawle & Henderson, LLP as counsel for DeMeo Masonry.

(2) Thompson has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from the Superior Court's order denying its motion to disqualify. On October 13, 2009, the Superior Court denied Thompson's application for certification of an interlocutory appeal.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances.\* In the exercise of its discretion, the Court has concluded that exceptional circumstances as would merit interlocutory review of the Superior Court's order do not exist in this case.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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\* Del. Supr. Ct. R. 42(b), (d)(v).